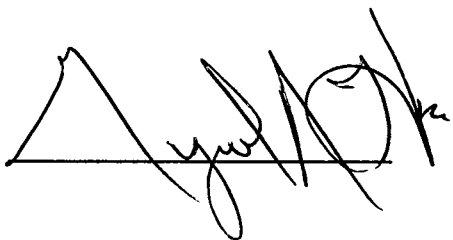


By



FILED NOV 12 1998

H.B. No. 160

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain door-to-door sales or solicitations made by children.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 51, Labor Code, is amended by adding Section 51.0145 to read as follows:

Sec. 51.0145. DOOR-TO-DOOR SALES AND SOLICITATION. (a) For purposes of this section:

(1) "Exempt organization" means:

(A) a charitable organization, as defined by Section 84.003, Civil Practice and Remedies Code;

(B) an organization regulated under Title 15, Election Code; or

(C) a club, organization, or other group engaged in a fund-raising activity for the club, organization, or group if the activity is sponsored by a public or private primary or secondary school.

(2) "Solicit" means an action of a person to:

(A) sell goods or services;

(B) request donations; or

(C) distribute items, information, or advertising.

(b) A person may not employ a child to solicit door-to-door unless the person:

1 (1) at least seven days before the date the child
2 begins employment, obtains on a form approved by the commission the
3 signed consent of a parent of the child, or of a conservator,
4 guardian, or other person who has possession of the child under a
5 court order;

6 (2) provides to the individual who gives consent:

7 (A) a map of the route the child will follow
8 during each solicitation trip; and

9 (B) the name of each individual who will be
10 supervising each solicitation trip;

11 (3) provides at each location where children will be
12 engaged to solicit door-to-door at least one adult supervisor for
13 every three children engaged in that solicitation trip; and

14 (4) limits each solicitation trip to:

15 (A) a day when the child is not legally required
16 to attend school; and

17 (B) the hours between 10 a.m. and 5 p.m.

18 (c) The commission may make additional requirements by rule
19 for a person employing a child under this section to protect the
20 safety, health, or well-being of the child.

21 (d) This section does not apply to an exempt organization or
22 a business owned or operated by a parent, conservator, guardian, or
23 other person who has possession of the child under a court order.

24 (e) A person commits an offense if the person employs a
25 child in violation of this section or a rule adopted under this
26 section.

27 SECTION 2. This Act takes effect September 1, 1999.

1 SECTION 3. The importance of this legislation and the
2 crowded condition of the calendars in both houses create an
3 emergency and an imperative public necessity that the
4 constitutional rule requiring bills to be read on three several
5 days in each house be suspended, and this rule is hereby suspended.

HOUSE COMMITTEE REPORT

1st Printing

By Wise

H.B. No. 160

Substitute the following for H.B. No. 160:

By Solis of Cameron

C.S.H.B. No. 160

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain sales or solicitations made by children.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 51, Labor Code, is amended by adding Section 51.0145 to read as follows:

Sec. 51.0145. USE OF CHILD FOR SALES AND SOLICITATION.

(a) For purposes of this section:

(1) "Exempt organization" means:

(A) a charitable organization, as defined by Section 84.003, Civil Practice and Remedies Code;

(B) an organization regulated under Title 15, Election Code; or

(C) a club, organization, or other group engaged in a fund-raising activity for the club, organization, or group if the activity is sponsored by a public or private primary or secondary school.

(2) "Solicit" means an action of a person to:

(A) sell goods or services;

(B) request donations; or

(C) distribute items, information, or advertising.

(b) The employment of a child to solicit is a hazardous occupation for purposes of this chapter.

1 (c) A person may not employ a child to solicit unless the
2 person:

3 (1) at least seven days before the date the child
4 begins employment, obtains on a form approved by the commission the
5 signed consent of a parent of the child or of a conservator,
6 guardian, or other person who has possession of the child under a
7 court order;

8 (2) provides to the individual who gives consent:

9 (A) a map of the route the child will follow
10 during each solicitation trip; and

11 (B) the name of each individual who will be
12 supervising each solicitation trip;

13 (3) provides at each location where children will be
14 engaged to solicit at least one adult supervisor for every three
15 children engaged in that solicitation trip; and

16 (4) limits each solicitation trip to:

17 (A) a day when the child is not legally required
18 to attend school; and

19 (B) the hours between 10 a.m. and 5 p.m.

20 (d) The commission may make additional requirements by rule
21 for a person employing a child under this section to protect the
22 safety, health, or well-being of the child.

23 (e) This section does not apply to an exempt organization or
24 a business owned or operated by a parent, conservator, guardian, or
25 other person who has possession of the child under a court order.

26 (f) A person commits an offense if the person employs a
27 child in violation of this section or a rule adopted under this

1 section.

2 SECTION 2. Section 51.031(b), Labor Code, is amended to read
3 as follows:

4 (b) An offense under Section 51.014(d) or Section 51.0145 is
5 a Class A misdemeanor.

6 SECTION 3. This Act takes effect September 1, 1999.

7 SECTION 4. The importance of this legislation and the
8 crowded condition of the calendars in both houses create an
9 emergency and an imperative public necessity that the
10 constitutional rule requiring bills to be read on three several
11 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable James E. "Pete" Laney
Speaker of the House of Representatives

March 15, 1999
(date)

Sir:

We, your COMMITTEE ON ECONOMIC DEVELOPMENT

to whom was referred HB 160 have had the same under consideration and beg to report back with the recommendation that it

- () do pass, without amendment.
- () do pass, with amendment(s).
- (✓) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- (✓) yes () no A fiscal note was requested.
- () yes (✓) no A criminal justice policy impact statement was requested.
- () yes (✓) no An equalized educational funding impact statement was requested.
- () yes (✓) no An actuarial analysis was requested.
- () yes (✓) no A water development policy impact statement was requested.
- () yes (✓) no A tax equity note was requested.
- () The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Solis, Chair	✓			
Van de Putte, Vice-chair				✓
Deshotel	✓			
Homer	✓			
Keffer	✓			
Luna				✓
McClendon				✓
Seaman	✓			
Yarbrough				✓

Total 5 aye
 0 nay
 0 present, not voting
 4 absent

Jim Solis
CHAIR

BILL ANALYSIS

Office of House Bill Analysis

C.S.H.B. 160
Economic Development
3/18/1999
Introduced
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the Texas Child Labor statute imposes restrictions on the age at which a child may be employed, the hours a child may be employed, and the type of work a child may be employed to perform. Certain businesses, such as those engaged in sales, target minors for use as sales representatives.

C.S.H.B. 160 requires a signed consent from the child's parent or guardian prior to the child beginning employment with an organization which engages in sales or solicitations and that the employer provide the person giving the consent with specific information about the sales area and supervision. This bill further defines employment of a child to solicit as a hazardous occupation and limits the days and hours of employment. C.S.H.B. 160 authorizes the Texas Workforce Commission to set additional requirements for a person employing a child, to protect the child's safety, health, or well-being. C.S.H.B. 160 provides an exception for certain organizations and family-owned businesses and provides that a person commits a Class A misdemeanor for violating the rules adopted under this law.

RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that rulemaking authority is expressly delegated to the Texas Workforce Commission in SECTION 1 (Section 51.0145, Labor Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 51, Labor Code, by adding Section 51.0145, as follows:

Sec. 51.0145. USE OF CHILD FOR SALES AND SOLICITATION. (a) Defines "exempt organization" and "solicit."

(b) Provides that the employment of a child to solicit is a hazardous occupation for the purposes of this chapter.

(c) Prohibits a person from employing a child to solicit unless that person obtains, on a form approved by the Texas Workforce Commission (commission), a signed consent from the child's parent, conservator, guardian, or other person having possession of the child under a court order, no later than seven days prior to the child beginning employment. Requires the person employing the child to provide the person giving consent a map of the route the child will follow during the solicitation trip and the name of each supervisor. Requires at least one adult supervisor for every three children at each solicitation site. Limits each solicitation trip to days when the child is not required to be in school and the hours between 10 a.m. and 5 p.m.

(d) Authorizes the commission, by rule, to make additional requirements for a person employing a child to protect the child's safety, health, or well-being.

(e) Specifies that this section does not apply to an exempt organization or a business owned or operated by a parent, conservator, guardian, or other person who has possession of the child under a court order.

(f) Provides that a person commits an offense if the person employs a child in violation of a rule adopted under this section.

SECTION 2. Amends Section 51.031, Labor Code, to provide that an offense under Section 51.0145 is a Class A misdemeanor.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 160 differs from the original bill in SECTION 1 by:

- replacing the title “Door-to-Door Sales and Solicitation” with the new title “Use of Child for Sales and Solicitation;”
- adding a new Subsection (b) providing that the employment of a child to solicit is a hazardous occupation for the purposes of this chapter, and redesignating Subsections (b)-(e), as (c)-(f);
- deleting the term “door-to-door” in Subsection (b) of the original bill.

C.S.H.B. 160 differs from the original bill in SECTION 2 by amending Section 51.031(b) Labor Code, to add a provision that an offense under Section 51.0145 is a Class A misdemeanor, and redesignates SECTIONS 2- 3, as 3- 4.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

March 21, 1999

TO: Honorable Jim Solis, Chair, House Committee on Economic Development

FROM: John Keel, Director, Legislative Budget Board

IN RE: **HB160** by Wise (relating to the regulation of certain sales or solicitations made by children), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, TH, HL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

February 24, 1999

TO: Honorable Jim Solis, Chair, House Committee on Economic Development

FROM: John Keel, Director, Legislative Budget Board

IN RE: **HB160** by Wise (Relating to the regulation of certain door-to-door sales or solicitations made by children.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, TH, HL

WITNESS LIST

HB 160
HOUSE COMMITTEE REPORT
Economic Development Committee

March 1, 1999 - 10:30AM or upon adjournment

For: Towne, Loretta (Texas PTA - Parent & Teacher
Association)
On: Skorupa, Chester (Texas Workforce Commission)

ADOPTED

APR 26 1999

Sharon Carter
Chief Clerk
House of Representatives

By Wise

HB. No. 160

Substitute the following for HB. No. 160 :

By Soliz, Jim

C.S. HB. No. 160

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain sales or solicitations made by children.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 51, Labor Code, is amended by adding Section 51.0145 to read as follows:

Sec. 51.0145. USE OF CHILD FOR SALES AND SOLICITATION.

(a) For purposes of this section:

(1) "Exempt organization" means:

(A) a charitable organization, as defined by Section 84.003, Civil Practice and Remedies Code;

(B) an organization regulated under Title 15, Election Code; or

(C) a club, organization, or other group engaged in a fund-raising activity for the club, organization, or group if the activity is sponsored by a public or private primary or secondary school.

(2) "Solicit" means an action of a person to:

(A) sell goods or services;

(B) request donations; or

(C) distribute items, information, or advertising.

(b) The employment of a child to solicit is a hazardous occupation for purposes of this chapter.

1 (c) A person may not employ a child to solicit unless the
2 person:

3 (1) at least seven days before the date the child
4 begins employment, obtains on a form approved by the commission the
5 signed consent of a parent of the child or of a conservator,
6 guardian, or other person who has possession of the child under a
7 court order;

8 (2) provides to the individual who gives consent:

9 (A) a map of the route the child will follow
10 during each solicitation trip; and

11 (B) the name of each individual who will be
12 supervising each solicitation trip;

13 (3) provides at each location where children will be
14 engaged to solicit at least one adult supervisor for every three
15 children engaged in that solicitation trip; and

16 (4) limits each solicitation trip to:

17 (A) a day when the child is not legally required
18 to attend school; and

19 (B) the hours between 10 a.m. and 5 p.m.

20 (d) The commission may make additional requirements by rule
21 for a person employing a child under this section to protect the
22 safety, health, or well-being of the child.

23 (e) This section does not apply to an exempt organization or
24 a business owned or operated by a parent, conservator, guardian, or
25 other person who has possession of the child under a court order.

26 (f) A person commits an offense if the person employs a
27 child in violation of this section or a rule adopted under this

1 section.

2 SECTION 2. Section 51.031(b), Labor Code, is amended to read
3 as follows:

4 (b) An offense under Section 51.014(d) or Section 51.0145 is
5 a Class A misdemeanor.

6 SECTION 3. This Act takes effect September 1, 1999.

7 SECTION 4. The importance of this legislation and the
8 crowded condition of the calendars in both houses create an
9 emergency and an imperative public necessity that the
10 constitutional rule requiring bills to be read on three several
11 days in each house be suspended, and this rule is hereby suspended.

**2ND READING
ENGROSSMENT**

By Wise

H.B. No. 160

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain sales or solicitations made by children; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 51, Labor Code, is amended by adding Section 51.0145 to read as follows:

Sec. 51.0145. USE OF CHILD FOR SALES AND SOLICITATION.

(a) For purposes of this section:

(1) "Exempt organization" means:

(A) a charitable organization, as defined by Section 84.003, Civil Practice and Remedies Code;

(B) an organization regulated under Title 15, Election Code; or

(C) a club, organization, or other group engaged in a fund-raising activity for the club, organization, or group if the activity is sponsored by a public or private primary or secondary school.

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20 (d) The commission may make additional requirements by rule
21 for a person employing a child under this section to protect the
22 safety, health, or well-being of the child.

23 (e) This section does not apply to an exempt organization or
24 a business owned or operated by a parent, conservator, guardian, or
25 other person who has possession of the child under a court order.

26 (f) A person commits an offense if the person employs a
27 child in violation of this section or a rule adopted under this

1 section.

2 SECTION 2. Section 51.031(b), Labor Code, is amended to read
3 as follows:

4 (b) An offense under Section 51.014(d) or Section 51.0145 is
5 a Class A misdemeanor.

6 SECTION 3. This Act takes effect September 1, 1999.

7 SECTION 4. The importance of this legislation and the
8 crowded condition of the calendars in both houses create an
9 emergency and an imperative public necessity that the
10 constitutional rule requiring bills to be read on three several
11 days in each house be suspended, and this rule is hereby suspended.

F

HOUSE ENGROSSMENT

By Wise

H.B. No. 160

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain sales or solicitations made by children; providing a penalty.

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(B) an organization regulated under Title 15, Election Code; or

(C) a club, organization, or other group engaged in a fund-raising activity for the club, organization, or group if the activity is sponsored by a public or private primary or secondary school.

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(A) sell goods or services;

(B) request donations; or

(C) distribute items, information, or advertising.

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6 guardian, or other person who has possession of the child under a
7 court order;

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22 safety, health, or well-being of the child.

23 (e) This section does not apply to an exempt organization or
24 a business owned or operated by a parent, conservator, guardian, or
25 other person who has possession of the child under a court order.

26 (f) A person commits an offense if the person employs a
27 child in violation of this section or a rule adopted under this

1 section.

2 SECTION 2. Section 51.031(b), Labor Code, is amended to read
3 as follows:

4 (b) An offense under Section 51.014(d) or Section 51.0145 is
5 a Class A misdemeanor.

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8 crowded condition of the calendars in both houses create an
9 emergency and an imperative public necessity that the
10 constitutional rule requiring bills to be read on three several
11 days in each house be suspended, and this rule is hereby suspended.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

March 21, 1999

TO: Honorable Jim Solis, Chair, House Committee on Economic Development

FROM: John Keel, Director, Legislative Budget Board

IN RE: **HB160** by Wise (relating to the regulation of certain sales or solicitations made by children), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.
--

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, TH, HL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

February 24, 1999

TO: Honorable Jim Solis, Chair, House Committee on Economic Development

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB160 by Wise (Relating to the regulation of certain door-to-door sales or solicitations made by children.), **As Introduced**

No fiscal implication to the State is anticipated.
--

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, TH, HL

1-1 By: Wise (Senate Sponsor - Zaffirini) H.B. No. 160
1-2 (In the Senate - Received from the House April 28, 1999;
1-3 April 29, 1999, read first time and referred to Committee on State
1-4 Affairs; May 13, 1999, rereferred to Committee on Human Services;
1-5 May 14, 1999, reported favorably by the following vote: Yeas 5,
1-6 Nays 0; May 14, 1999, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the regulation of certain sales or solicitations made
1-10 by children; providing a penalty.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter B, Chapter 51, Labor Code, is amended
1-13 by adding Section 51.0145 to read as follows:

1-14 Sec. 51.0145. USE OF CHILD FOR SALES AND SOLICITATION.

1-15 (a) For purposes of this section:

1-16 (1) "Exempt organization" means:

1-17 (A) a charitable organization, as defined by
1-18 Section 84.003, Civil Practice and Remedies Code;

1-19 (B) an organization regulated under Title 15,
1-20 Election Code; or

1-21 (C) a club, organization, or other group engaged
1-22 in a fund-raising activity for the club, organization, or group if
1-23 the activity is sponsored by a public or private primary or
1-24 secondary school.

1-25 (2) "Solicit" means an action of a person to:

1-26 (A) sell goods or services;

1-27 (B) request donations; or

1-28 (C) distribute items, information, or
1-29 advertising.

1-30 (b) The employment of a child to solicit is a hazardous
1-31 occupation for purposes of this chapter.

1-32 (c) A person may not employ a child to solicit unless the
1-33 person:

1-34 (1) at least seven days before the date the child
1-35 begins employment, obtains on a form approved by the commission the
1-36 signed consent of a parent of the child or of a conservator,
1-37 guardian, or other person who has possession of the child under a
1-38 court order;

1-39 (2) provides to the individual who gives consent:

1-40 (A) a map of the route the child will follow
1-41 during each solicitation trip; and

1-42 (B) the name of each individual who will be
1-43 supervising each solicitation trip;

1-44 (3) provides at each location where children will be
1-45 engaged to solicit at least one adult supervisor for every three
1-46 children engaged in that solicitation trip; and

1-47 (4) limits each solicitation trip to:

1-48 (A) a day when the child is not legally required
1-49 to attend school; and

1-50 (B) the hours between 10 a.m. and 5 p.m.

1-51 (d) The commission may make additional requirements by rule
1-52 for a person employing a child under this section to protect the
1-53 safety, health, or well-being of the child.

1-54 (e) This section does not apply to an exempt organization or
1-55 a business owned or operated by a parent, conservator, guardian, or
1-56 other person who has possession of the child under a court order.

1-57 (f) A person commits an offense if the person employs a
1-58 child in violation of this section or a rule adopted under this
1-59 section.

1-60 SECTION 2. Section 51.031(b), Labor Code, is amended to read
1-61 as follows:

1-62 (b) An offense under Section 51.014(d) or Section 51.0145 is
1-63 a Class A misdemeanor.

1-64 SECTION 3. This Act takes effect September 1, 1999.

2-1 SECTION 4. The importance of this legislation and the
2-2 crowded condition of the calendars in both houses create an
2-3 emergency and an imperative public necessity that the
2-4 constitutional rule requiring bills to be read on three several
2-5 days in each house be suspended, and this rule is hereby suspended.

2-6

* * * * *

FAVORABLE
SENATE COMMITTEE REPORT ON

SB SCR SJR SR (HB) HCR HJR 160
By Wise / Zaffirini
(Author/Senate Sponsor)
May 14, 1999
(date)

Sir:

We, your Committee on HUMAN SERVICES, to which was referred the attached measure,
have on May 14, 1999, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- ☒ do pass and be printed
☐ do pass and be ordered not printed
☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no
A revised fiscal note was requested. ☐ yes ☒ no
An actuarial analysis was requested. ☐ yes ☒ no
Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Zaffirini, Chair	<input checked="" type="checkbox"/>			
Senator Carona, Vice-Chair	<input checked="" type="checkbox"/>			
Senator Bernsen	<input checked="" type="checkbox"/>			
Senator Gallegos	<input checked="" type="checkbox"/>			
Senator Harris	<input checked="" type="checkbox"/>			
TOTAL VOTES	5	0	0	0

COMMITTEE ACTION

S260 Considered in public hearing
S270 Testimony taken
Scott Caffery
COMMITTEE CLERK

J. Carmona
CHAIR

BILL ANALYSIS

Senate Research Center

H.B. 160
By: Wise (Zaffirini)
Human Services
5/13/1999
Engrossed

DIGEST

Currently, Texas law imposes restrictions on the age at which a child may be employed, the hours a child may be employed, and the type of work a child may be employed to perform. Certain businesses, such as those engaged in sales, target minors for use as sales representatives. H.B. 160 would set forth provisions to regulate certain sales or solicitations made by children, and would provide a certain penalty for an offense under this section.

PURPOSE

As proposed, H.B. 160 sets forth provisions regulating certain sales or solicitations made by children.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Workforce Commission in SECTION 1 (Section 51.0145(d), Labor Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 51B, Labor Code, by adding Section 51.0145, as follows:

Sec. 51.0145. USE OF CHILD FOR SALES AND SOLICITATION. Defines "exempt organization" and "solicit." Provides that the employment of a child to solicit is a hazardous occupation for the purposes of this chapter. Prohibits a person from employing a child unless certain conditions exist. Authorizes the Texas Workforce Commission, by rule, to make additional requirements for a person employing a child to protect the child's safety, health, or well-being. Specifies that this section does not apply to an exempt organization or a business owned or operated by a parent, conservator, guardian, or other person who has possession of the child under a court order. Provides that a person commits an offense if the person employs a child in violation of a rule adopted under this section.

SECTION 2. Amends Section 51.031, Labor Code, to provide that an offense under Section 51.0145 is a Class A misdemeanor.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session
Revision 1

May 13, 1999

TO: Honorable Judith Zaffrini, Chair, Senate Committee on Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB160 by Wise (Relating to the regulation of certain sales or solicitations made by children; providing a penalty.), **As Engrossed**

No fiscal implication to the State is anticipated.
--

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, TP, SD, TH, HL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

March 21, 1999

TO: Honorable Jim Solis, Chair, House Committee on Economic Development

FROM: John Keel, Director, Legislative Budget Board

IN RE: **HB160** by Wise (relating to the regulation of certain sales or solicitations made by children), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.
--

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, TH, HL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

February 24, 1999

TO: Honorable Jim Solis, Chair, House Committee on Economic Development

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB160 by Wise (Relating to the regulation of certain door-to-door sales or solicitations made by children.), **As Introduced**

No fiscal implication to the State is anticipated.
--

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, TH, HL

SENATE AMENDMENTS

2nd Printing

98 MAY 24 PM 7:50
HOUSE OF REPRESENTATIVES

By Wise

H.B. No. 160

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain sales or solicitations made by children; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 51, Labor Code, is amended by adding Section 51.0145 to read as follows:

Sec. 51.0145. USE OF CHILD FOR SALES AND SOLICITATION.

(a) For purposes of this section:

(1) "Exempt organization" means:

(A) a charitable organization, as defined by Section 84.003, Civil Practice and Remedies Code;

(B) an organization regulated under Title 15, Election Code; or

(C) a club, organization, or other group engaged in a fund-raising activity for the club, organization, or group if the activity is sponsored by a public or private primary or secondary school.

(2) "Solicit" means an action of a person to:

(A) sell goods or services;

(B) request donations; or

(C) distribute items, information, or advertising.

(b) The employment of a child to solicit is a hazardous occupation for purposes of this chapter.

1 (c) A person may not employ a child to solicit unless the
2 person:

3 (1) at least seven days before the date the child
4 begins employment, obtains on a form approved by the commission the
5 signed consent of a parent of the child or of a conservator,
6 guardian, or other person who has possession of the child under a
7 court order;

8 (2) provides to the individual who gives consent:

9 (A) a map of the route the child will follow
10 during each solicitation trip; and

11 (B) the name of each individual who will be
12 supervising each solicitation trip;

13 (3) provides at each location where children will be
14 engaged to solicit at least one adult supervisor for every three
15 children engaged in that solicitation trip; and

16 (4) limits each solicitation trip to:

17 (A) a day when the child is not legally required
18 to attend school; and

19 (B) the hours between 10 a.m. and 5 p.m.

20 (d) The commission may make additional requirements by rule
21 for a person employing a child under this section to protect the
22 safety, health, or well-being of the child.

23 (e) This section does not apply to an exempt organization or
24 a business owned or operated by a parent, conservator, guardian, or
25 other person who has possession of the child under a court order.

26 (f) A person commits an offense if the person employs a
27 child in violation of this section or a rule adopted under this

1 section.

2 SECTION 2. Section 51.031(b), Labor Code, is amended to read
3 as follows:

4 (b) An offense under Section 51.014(d) or Section 51.0145 is
5 a Class A misdemeanor.

6 SECTION 3. This Act takes effect September 1, 1999.

7 SECTION 4. The importance of this legislation and the
8 crowded condition of the calendars in both houses create an
9 emergency and an imperative public necessity that the
10 constitutional rule requiring bills to be read on three several
11 days in each house be suspended, and this rule is hereby suspended.

ADOPTED

MAY 24 1999

Letty Ling
Secretary of the Senate

FLOOR AMENDMENT NO. 1

By Wentworth

1 Amend H.B. No. 160 (Senate Committee report) as follows:

2 (1) In SECTION 1 of the bill, in added Section 51.045, Subsection (a) (2) (A), Labor Code
3 (Senate Committee Printing version, page 1, line 26), after "services" and before the semicolon, add "
4 in a setting other than a retail establishment".

5 (2) In SECTION 1 of the bill, in added Section 51.045 (c) (4), Labor Code (Senate Committee
6 Printing version, page 1, line 48) strike "(A) a day when the child is not legally required to attend
7 school; and" and substitute "(A) no later than 7 p.m. on a day when the child is legally required to
8 attend school; and".

9 (3) In SECTION 1 of the bill, in added Section 51.045 (c) (4) (B), Labor Code (Senate
10 Committee Printing version, page 1, line 50), after "⁷7 p.m.", add "on all other days."

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session
Revision 1

May 13, 1999

TO: Honorable Judith Zaffrini, Chair, Senate Committee on Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: **HB160** by Wise (Relating to the regulation of certain sales or solicitations made by children; providing a penalty.), **As Engrossed**

No fiscal implication to the State is anticipated.
--

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, TP, SD, TH, HL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

March 21, 1999

TO: Honorable Jim Solis, Chair, House Committee on Economic Development

FROM: John Keel, Director, Legislative Budget Board

IN RE: **HB160** by Wise (relating to the regulation of certain sales or solicitations made by children), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

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Source Agencies:

LBB Staff: JK, TH, HL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

February 24, 1999

TO: Honorable Jim Solis, Chair, House Committee on Economic Development

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB160 by Wise (Relating to the regulation of certain door-to-door sales or solicitations made by children.), **As Introduced**

No fiscal implication to the State is anticipated.
--

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, TH, HL

F

ENROLLED

H.B. No. 160

1 AN ACT

2 relating to the regulation of certain sales or solicitations made
3 by children; providing a penalty.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter B, Chapter 51, Labor Code, is amended
6 by adding Section 51.0145 to read as follows:

7 Sec. 51.0145. USE OF CHILD FOR SALES AND SOLICITATION.

8 (a) For purposes of this section:

9 (1) "Exempt organization" means:

10 (A) a charitable organization, as defined by
11 Section 84.003, Civil Practice and Remedies Code;

12 (B) an organization regulated under Title 15,
13 Election Code; or

14 (C) a club, organization, or other group engaged
15 in a fund-raising activity for the club, organization, or group if
16 the activity is sponsored by a public or private primary or
17 secondary school.

18 (2) "Solicit" means an action of a person to:

19 (A) sell goods or services in a setting other
20 than a retail establishment;

21 (B) request donations; or

22 (C) distribute items, information, or
23 advertising.

24 (b) The employment of a child to solicit is a hazardous

1 occupation for purposes of this chapter.

2 (c) A person may not employ a child to solicit unless the
3 person:

4 (1) at least seven days before the date the child
5 begins employment, obtains on a form approved by the commission the
6 signed consent of a parent of the child or of a conservator,
7 guardian, or other person who has possession of the child under a
8 court order;

9 (2) provides to the individual who gives consent:

10 (A) a map of the route the child will follow
11 during each solicitation trip; and

12 (B) the name of each individual who will be
13 supervising each solicitation trip;

14 (3) provides at each location where children will be
15 engaged to solicit at least one adult supervisor for every three
16 children engaged in that solicitation trip; and

17 (4) limits each solicitation trip to:

18 (A) no later than 7 p.m. on a day when the child
19 is legally required to attend school; and

20 (B) the hours between 10 a.m. and 7 p.m. on all
21 other days.

22 (d) The commission may make additional requirements by rule
23 for a person employing a child under this section to protect the
24 safety, health, or well-being of the child.

25 (e) This section does not apply to an exempt organization or
26 a business owned or operated by a parent, conservator, guardian, or
27 other person who has possession of the child under a court order.

1 (f) A person commits an offense if the person employs a
2 child in violation of this section or a rule adopted under this
3 section.

4 SECTION 2. Section 51.031(b), Labor Code, is amended to read
5 as follows:

6 (b) An offense under Section 51.014(d) or Section 51.0145 is
7 a Class A misdemeanor.

8 SECTION 3. This Act takes effect September 1, 1999.

9 SECTION 4. The importance of this legislation and the
10 crowded condition of the calendars in both houses create an
11 emergency and an imperative public necessity that the
12 constitutional rule requiring bills to be read on three several
13 days in each house be suspended, and this rule is hereby suspended.

H.B. No. 160

President of the Senate

Speaker of the House

I certify that H.B. No. 160 was passed by the House on April 27, 1999, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 160 on May 26, 1999, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 160 was passed by the Senate, with amendments, on May 24, 1999, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor

President of the Senate

Speaker of the House

I certify that H.B. No. 160 was passed by the House on
(1)

APRIL 27

(2)

, 1999, by a non-record vote;

and that the House concurred in Senate amendments to H.B. No. 160
on MAY 26, 1999, by a non-record vote.
(3)

Chief Clerk of the House

**** Preparation: CT47;

I certify that H.B. No. 160 was passed by the Senate, with
(1)
amendments, on MAY 24, 1999, by a
(2)
viva-voce vote.

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: CT33;

76TH LEGISLATURE

COAUTHOR AUTHORIZATION

(please request your coauthors to sign this form in lieu of the front or the back of the original bill)

For chief clerk use only
Bill or Resolution Number: HB 160

signature of primary author

printed name of primary author

January 20, 1999
Date

PERMISSION TO SIGN HB 160 HAS BEEN GIVEN TO (check only one of the following):
(bill or resolution #)

☒ ALL REPRESENTATIVES

☐ THE FOLLOWING REPRESENTATIVE(S):

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

A2120 Alexander	Date	A2600 Counts	Date	A2795 Farabee	Date
A2115 Allen	Date	A2605 Crabb	Date	A2810 Farrar	Date
A2105 Alvarado	Date	A2610 Craddick	Date	A2840 Flores	Date
A2135 Averitt	Date	A2615 Crownover	Date	A2920 Gallego	Date
A2160 Bailey	Date	A2645 Cuellar	Date	A2930 Garcia	Date
A2205 Berman	Date	A2635 Culberson	Date	A2940 George	Date
A2250 Bonnen	Date	A2670 Danburg	Date	A2935 Giddings	Date
A2275 Bosse	Date	A2620 Davis, John	Date	A2880 Glaze	Date
A2260 Brimer	Date	A2625 Davis, Yvonne	Date	A2985 Goodman	Date
A2265 Brown, Betty	Date	A2680 Delisi	Date	A2990 Goolsby	Date
A2270 Brown, Fred	Date	A3385 Denny	Date	A3005 Gray	Date
A2255 Burnam	Date	A2690 Deshotel	Date	A3000 Green	Date
A2300 Capelo	Date	A2705 Driver	Date	A3010 Greenberg	Date
A2400 Carter	Date	A2665 Dukes	Date	A3020 Grusendorf	Date
A2585 Chavez	Date	A2660 Dunnam	Date	A3030 Gutierrez	Date
A2480 Chisum	Date	A2650 Dutton	Date	A3035 Haggerty	Date
A2525 Christian	Date	A2770 Edwards	Date	A2695 Hamric	Date
A2520 Clark	Date	A2760 Ehrhardt	Date	A3160 Hardcastle	Date
A2435 Coleman	Date	A2775 Eiland	Date	A3170 Hartnett	Date
A2565 Cook	Date	A2785 Elkins	Date	A3345 Hawley	Date
A2595 Corte	Date	A2790 Ellis, Dan	Date	A3180 Heflin	Date

For chief clerk use only
Bill or Resolution Number: HB 1160

A3310 Hilbert	Date	A3715 Madden	Date	A4435 Shields	Date
A3250 Hilderbran	Date	A3750 Marchant	Date	A4445 Siebert	Date
A3275 Hill	Date	A2700 Maxey	Date	A4525 Smith	Date
A3270 Hinojosa	Date	A3665 McCall	Date	A4530 Smithee	Date
A3305 Hochberg	Date	A3650 McClendon	Date	A4550 Solis, Jim	Date
A3290 Hodge	Date	A3845 McReynolds	Date	A4560 Solis, Juan	Date
A3325 Homer	Date	A3840 Merritt	Date	A4505 Solomons	Date
A3320 Hope	Date	A3855 Moreno, Joe	Date	A4515 Staples	Date
A3315 Howard	Date	A3860 Moreno, Paul	Date	A4570 Swinford	Date
A3355 Hunter	Date	A3870 Morrison	Date	A4585 Talton	Date
A3360 Hupp	Date	A3865 Mowery	Date	A4605 Telford	Date
A3375 Isett	Date	A3885 Naishtat	Date	A4630 Thompson	Date
A3415 Janek	Date	A3890 Najera	Date	A4635 Tillery	Date
A3410 Jones, Charles	Date	A3895 Nixon, Joe	Date	A4650 Truitt	Date
A3405 Jones, Delwin	Date	A3900 Noriega	Date	A2730 Turner, Bob	Date
A3400 Jones, Jesse	Date	A3880 Oliveira	Date	A4685 Turner, Sylvester	Date
A3440 Junell	Date	A3886 Olivo	Date	A4690 Uher	Date
A3475 Keel	Date	A4010 Palmer	Date	A4695 Uresti	Date
A3480 Keffer	Date	A4180 Pickett	Date	A4720 Van de Putte	Date
A3470 King, Phil	Date	A4185 Pitts	Date	A4990 Walker	Date
A3465 King, Tracy	Date	A4200 Puento	Date	A4995 West, George "Buddy"	Date
A3485 Krusee	Date	A4210 Ramsay	Date	A5035 Williams	Date
A3450 Kuempel	Date	A4240 Rangel	Date	A5000 Wilson	Date
A3510 Laney	Date	A4245 Reyna, Arthur	Date	A5020 Wise	Date
A3520 Lengefeld	Date	A4236 Reyna, Elvira	Date	A5015 Wohlgemuth	Date
A3605 Lewis, Glenn	Date	A4250 Ritter	Date	A4980 Wolens	Date
A3600 Lewis, Ron	Date	A4370 Sadler	Date	A5005 Woolley	Date
A3615 Longoria	Date	A4380 Salinas	Date	A5025 Yarbrough	Date
A3620 Luna, Vilma	Date	A4420 Seaman	Date	A5040 Zbranek	Date

A BILL TO BE ENTITLED
AN ACT

Relating to the regulation of certain door-to-door sales or solicitations made by children.

NOV 12 1998

Filed with the Chief Clerk

FEB 02 1999

Read first time and referred to Committee on

Economic Development

MAR 15 1999

Reported favorably (~~as amended~~)
(as substituted)

MAR 24 1999

Sent to Committee on (Calendars)

~~(Local & Consent Calendars)~~

APR 26 1999

Read second time (comm. subst.) (~~amended~~); passed to third reading (~~failed~~) by a (non-record vote)
(record vote of yeas, nays, present, not voting)Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of yeas, nays, present, not voting

APR 27 1999

Read third time (~~amended~~); finally passed (~~failed to pass~~) by a (non-record vote)~~(record vote of yeas, nays, present, not voting)~~

APR 28 1999

Engrossed

APR 28 1999

Sent to Senate

Sharon Carter

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

APR 28 1999

Received from the House

APR 29 1999

Read and referred to Committee on STATE AFFAIRS

MAY 13 1999

Referred to HUMAN SERVICES

MAY 14 1999

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

MAY 24 1999

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(yeas, nays)

MAY 24 1999

Read second time, amended, and passed to third reading by (unanimous consent)
(a viva voce vote)
(yeas, nays)

MAY 24 1999

Senate and Constitutional 3 Day Rules suspended by a vote of 30 yeas, 0 nays

MAY 24 1999

Read third time, , and passed by (a viva voce vote)
(yeas, nays)May 24, 1999

Returned to the House

Buty King

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 24 1999

Returned from the Senate (as introduced)
(with amendments)

MAY 26 1999

House concurred in Senate amendments by a (non-record vote)

(record vote of _____ yeas, _____ nays, _____ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

House conferees appointed: _____, Chair; _____,

_____, _____, _____,

Senate granted House request. Senate conferees appointed: _____, Chair;

_____, _____, _____,

Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)

99 MAY 24 PM 7:59
HOUSE OF REPRESENTATIVES

591
MAY 24 1999